



# CALIFORNIA STATE BOARD OF EDUCATION

## JULY 2004 AGENDA

### ☒ Specific Waiver

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| <b>SUBJECT</b><br><br>Request by <b>Poway Unified School District</b> to waive <i>Education Code</i> (EC) Section 56362(c); allowing the caseload of the Resource Specialist to exceed the maximum caseload of 28 students by no more than four students. (32 maximum) <b>Cheryl Navidi at Rancho Bernardo High School</b><br><br>Waiver Number: 54-3-2004 | <input checked="" type="checkbox"/> <b>Action</b>  |
|  | <input checked="" type="checkbox"/> <b>Consent</b> |

### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

That each Resource Specialist will have an instructional aide available for at least eight hours daily per districts agreement.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Both EC 56362(c) and California *Code of Regulations* (CCR), Title 5, Section 3100, allow the State Board of Education to approve waivers of Resource Specialist to exceed the maximum caseload of 28 students by not more than four students. However, there are very specific requirements in these regulations, which must be met for approval, and if these requirements are not met the waiver must be denied.

A Resources Specialist is a credentialed teacher who provides instruction and services to children with Individualized Education Programs (IEPs) that are with regular education teachers for the majority of the school day. Resource Specialists coordinate special education services with the regular school program for their students. Statute limits caseloads for Resource Specialist to no more than 28 pupils unless the State Board of Education grants a waiver.

### SUMMARY OF KEY ISSUES

The waiver stipulates that the following affected Resource Specialist will have an increase in her caseload from 28 students to 32 students. Cheryl Navidi at Rancho Bernardo High School in Poway Unified School District has agreed to the increase in her caseload.

The district agrees to provide eight hours of aide time, more than the five hours required by the waiver. Don Raczka, the union representative was contacted by California Department of Education staff on 03/18/04 and stated that the union participated in the waiver development and they are stating a neutral position on the waiver request.

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The request is only being recommended for approval for the current school year from January to June 2004. The request is being retroactively recommended for approval, but the district has been notified that they need to submit such requests in a more timely fashion.

**Authority for the Waiver:** EC 56101, and CCR, Title 5, Section 3100.

**Bargaining unit(s) consulted on date(s):** 03/18/04

**Position of bargaining unit(s) (choose only one):**

☒

Neutral

☐

Support

☐

Oppose

**Name of bargaining unit(s)/representative(s):** Don Raczka, Poway Federation of Teachers

**Local board approval date(s):** 3/8/2004

**Period of request:** January 27, 2004 to June 17, 2004

### **FISCAL ANALYSIS (AS APPROPRIATE)**

If this waiver is denied, the District will need to employ additional qualified staff or persons with emergency qualifications to provide services to special education students.

### **BACKGROUND INFORMATION**

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.